

Minutes of Special and Regular Meeting of August 11, 2009

SPECIAL MEETINGS

CLOSED SESSION - 6:45 P.M.

- A. Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation, Significant Exposure to Litigation: Two Cases
- B. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(c) Initiation of Litigation: One Case

Attended by Councilmembers Feierbach, Dickenson, Lieberman, Braunstein, City Manager Crist, City Attorney Zafferano, Finance Director Fil, Community Development Director de Melo. Councilmember Wozniak was absent and City Clerk Cook was excused from attending.

ADJOURNMENT at this time, being 7:00 P.M.

Terri

Cook

City Clerk

This meeting was not tape recorded or videotaped.

REGULAR MEETING

CALL TO ORDER 7:30 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Dickenson, Lieberman, Braunstein

COUNCILMEMBERS ABSENT: Wozniak

Staff Present: City Manager Crist, City Attorney Zafferano, Human Resources Director Dino, Interim Public Works Director Borrmann, Police Captain DeSmidt, Parks and Recreation Director Gervais, Finance Director Fil, City Treasurer Violet, City Clerk Cook.

PLEDGE OF ALLEGIANCE

Led by Isaac and Noah Braunstein (sons of the Mayor)

REPORT FROM CLOSED SESSION

City Attorney Zafferano stated that there was no action taken on Closed Session Item A (Anticipated Litigation), but that by a unanimous vote (4-0, Wozniak absent), action was taken on Item B (Initiation of Litigation) to join the California Redevelopment Association litigation. He noted that there was an item on this evening's Redevelopment Agency agenda to formalize this action.

SPECIAL PRESENTATIONS

Report from State Senator Leland Yee on State Budget

Senator Yee reported that there is no end in sight to the current economic slump. Reductions already made in the State budget are not enough to address this situation. He outlined various program cuts that have resulted. He noted that the State has borrowed monies pursuant to Proposition 1A, will be borrowing redevelopment monies, and is taking gas tax revenues from

local agencies. He clarified that he did not vote for approval of taking local monies. The State budget will be reopened to address a variety of issues. There is pending legal action regarding the Governor's line item adjustments, and future budget cuts are probable.

In response to Councilmember Feierbach, Senator Yee clarified that in previous years, the State of California took budgetary actions different from other states. Some decisions were prudent at the time they were made. The secondary mortgage issue is driving current budget matters. No one thought the problem would be sustained. He noted that the lesson learned is to not utilize one-time monies for ongoing needs. The State tried to help too many people.

Councilmember Lieberman commended the Senator for speaking out on behalf of schools. He thanked the Senator for working hard for the City of Belmont. He also commended him for voting no on the budget. He commented that the State budget is tricky and problematic, especially regarding the taking of local monies.

Senator Yee thanked the City Council for its desire to protect local revenues. Communications regarding this matter have been helpful. He noted that the solution is not to move the problem to local jurisdictions.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Marsi O'Malley-Riley, Belmont Library, stated that the summer reading program is winding down. The library will be performing outreach to students as school resumes later in the month. She outlined some of the upcoming events taking place at the library.

Lenore Griffin, Belmont Chamber of Commerce, announced an upcoming ribbon cutting for the new UPS Store at the Carlmont Shopping Center. She invited City Council candidates to submit candidate statements for an upcoming Chamber of Commerce newsletter.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Braunstein announced that the City Council candidate nomination period will close on August 12th. He noted that various schools in Belmont would be reopening throughout the next few weeks and he urged drivers to be cautious. The first of three Movie Nights would be held on August 28th. He described an upcoming seminar, hosted by Assemblymember Jerry Hill, on identify fraud. He announced that the next regularly-scheduled meeting of August 25 would be canceled.

RECESS: **7:58 P.M.** (to consider the Redevelopment Agency agenda)
RECONVENE: **8:40 P.M.**

CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of July 14, 2009 and July 28, 2009

Acceptance of Written Communications: 1) US Bankruptcy Court in re ANC Rental Corporation; 2) US Bankruptcy Court in re Akbar Shakernia

Motion to Cancel Regular Meeting of August 25, 2009

Motion to Continue Public Hearing to Review Planning Commission Action from February 3, 2009, Public Hearing Regarding Conditional Use Permit and Design Review (T-Mobile), Pursuant to Municipal Code Section 1-11, scheduled for August 25, 2009

Approval of Resolution 10157 Adopting an Identity Theft Prevention Program

Approval of Resolution 10158 Accepting Work, Approving As-Built Plans, and Authorization to Issue a Notice of Substantial Completion for the Sanitary Sewer Rehabilitation Project - Pipelining and Spot Repair with Pipe Bursting, Basins 7 and 8, City Contract Number 485

Approval of Resolution 10159 Authorizing the Interim Director of Public Works to Execute the Administering Agency - Federal Master Agreement No. 04-5268R, Program Supplement Agreement No. 008-N for the Reimbursement of Funds for the Construction Engineering and Construction of the 2009 Belmont Overlay Project, City Contract Number 502

Approval of Resolution 10160 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to Exceed \$139,000, Approving a Construction Contingency not to Exceed \$13,900 and Authorizing the City Manager to Execute a Contract for the Marburger Avenue Road Repair Project, City Contract Number 499

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, the Consent Agenda was unanimously approved by a show of hands (4-0, Wozniak absent).

NEW BUSINESS

Discussion regarding Grand Jury Response on Issue related to Employee Pay

Human Resources Director Dino stated that the San Mateo County Grand Jury reported on public sector employee pay. Each city in the County will be providing a response. She reviewed the conclusions reached by the Grand Jury, and outlined their recommendations and action plan. She also reviewed the City of Belmont's response to each of the proposals. She provided a comparison of the number of employees per 1,000 residents with those of surrounding cities. She noted that the City has a mandate to set salaries as part of its budget process.

Councilmember Feierbach recommended including the new incentive pay program in Belmont's response, since this is a novel program not found in other cities.

Councilmember Lieberman commended the staff for providing a comprehensive draft response to the Grand Jury. He noted that some of the Grand Jury's recommendations are useful and insightful, and others are not. He does not support a two-tiered salary system as it is a mechanism of last resort. There is a need to negotiate salaries to be long-term and sustainable.

Councilmember Dickenson stated that the new Council subcommittee structure can address some of the issues raised by the Grand Jury. He expressed support for non-city participants on the subcommittee as a way to be proactive. He noted this could help educate people on the cost for services.

City Attorney Zafferano clarified that standing committee meetings are public, and agendas are posted. Subcommittee meetings are considered standing committees. There is a question regarding the appropriateness of including public members on standing committees.

Councilmember Feierbach stated that the current structure for employee negotiations is not a public process.

Councilmember Lieberman suggested holding a public hearing prior to negotiations.

Councilmember Dickenson expressed a concern that this would result in predetermined ideas. He recommended that a public discussion be more philosophical.

Discussion ensued regarding ways to involve the public in the process of employee salary and negotiations.

Councilmember Dickenson recommended adding five to seven public members to the subcommittee, to be drawn from a lottery, to meet quarterly. He noted that compensation philosophy should be discussed. He expressed support for the other proposed Grand Jury responses.

Human Resources Director Dino recommended inviting general public comments at the start of the negotiations process.

Mayor Braunstein stated that the proposed Grand Jury responses are comprehensive, and should not be changed. Ideas and suggestions from the Grand Jury report can be taken into consideration when the subcommittee process begins. He does not support committing to the recommendations of the Grand Jury. Councilmember Lieberman concurred.

ACTION: Councilmember Lieberman made a motion to modify the Grand Jury response to include Human Resources Director Dino's proposal to invite public comments at the initiation of the negotiations process. (Said motion did not receive a second.)

Councilmember Dickenson suggested adding a clause that the City Council will consider the addition of public members to the subcommittee in the future. He clarified it is not his intent to create animosity between the public and staff at negotiations time. It could be problematic if there is a public hearing with no vetting process.

Councilmember Lieberman stated he does not support having citizens on the subcommittee.

ACTION: Councilmember Dickenson made a motion, seconded by Councilmember Feierbach, to include citizens on the Human Resources subcommittee, to meet two to four times a year to educate the community on compensation philosophy, and to include the incentive pay and longevity information to the Grand Jury response.

Councilmember Feierbach noted that private industry does not ask for public input regarding salaries. She expressed a desire to work with the new subcommittee before committing to adding public members.

ACTION: On the motion by Councilmember Dickenson, motion passed by a show of hands (3-1, Lieberman no, Wozniak absent).

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Feierbach stated that alternate routes were discussed at the recent High-Speed Rail meeting she attended.

Councilmember Lieberman stated that the force main continues to be discussed by the South Bayside System Authority (SBSA). He outlined the topics recently addressed by the Infrastructure Committee.

Community Development Director de Melo provided an update of issues discussed by the Economic Development Committee.

Mayor Braunstein noted that a planning commissioner and members of the Chamber of Commerce were present at the Economic Development Committee meeting. He also noted that topics are being sought for the upcoming joint meeting with the Belmont-Redwood Shores School District on September 29th.

Motion to Designate Voting Delegate and Alternate for League of California Cities Annual Conference, and Discussion and Direction regarding resolutions to be considered at the Conference

Mayor Braunstein stated that this year's League of California Cities Annual Conference will be held in San Jose.

City Attorney Zafferano recommended that City Council members should try to attend, as there are many vendors available, and the conference provides an opportunity to network with other cities.

City Manager Crist stated that voting delegates are usually elected officials as opposed to appointed officials.

Discussion ensued regarding availability of Council members to attend. Councilmember Lieberman stated that he would attend if his schedule permitted, and Mayor Braunstein expressed his availability to be the alternate voting delegate on September 18th should Councilmember Lieberman not be available.

ACTION: On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, and unanimously approved by a show of hands (4-0, Wozniak absent) to appoint Councilmember Lieberman as voting delegate and Mayor Braunstein as alternate for the League of California Cities annual conference.

Discussion ensued regarding the proposed resolutions to be discussed. City Attorney Zafferano stated that he would discuss the resolutions with whoever will be attending the conference.

Verbal Report from City Manager

City Manager Crist noted that the City has received the final approval regarding the bike/pedestrian bridge. He noted this has been a long process.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Mayor Braunstein noted that his neighborhood's participation in National Night Out was successful.

ADJOURNMENT at this time, being 10:00 p.m.

Cook

Terri

City Clerk

Meeting Tape Recorded and Videotaped
Audio Recording 733